

# It's the Institutions, Stupid

## The Real Roots of America's Political Crisis

*By Julia Azari*

American democracy, most observers seem to agree, is in crisis. Some pin the blame on President Donald Trump, citing his assaults on the country's democratic norms and institutions—the electoral system, the independent judiciary, the rule of law, and the media. “This is not normal,” former President Barack Obama declared in a September 2018 speech rebuking his successor. Others see Trump as merely the culmination of a long decline in American democracy, a story that began decades ago with growing political polarization, congressional infighting, and economic and social inequality. Whatever the precise cause, however, there is a consensus about the effect: a broken system.

Yet the real story of American democracy is not one of disrepair but one of partial repair. The problems that ail it today have been brought about not by neglect but by incomplete efforts to improve it in the context of changing political realities. The result is a democracy that is simultaneously inclusive and ineffective.

For all the talk of unresponsive politicians and apathetic voters, the democracy part of the U.S. political system may be in the best shape ever. Voter suppression remains a major problem, but other trends suggest health. The 2018 midterm elections boasted higher turnout than any midterm contest since 1966. Turnout among voters aged 18 to 29 was up by 16 percentage points compared with where it stood in the 2014 midterms. What's more, voters sent a remarkably heterogeneous cast of politicians into power. The new Congress is the most ethnically and racially diverse ever, with many new members becoming the first of their identity group to represent their state. In Colorado, voters elected the first openly gay governor in U.S. history. The current crop of 2020 presidential hopefuls includes six women, six people of color, and one openly gay man. The types of Americans long excluded from the halls of power are entering them in greater numbers than ever before. Things are far from perfect, but they are better.

Accompanying this more inclusive political system, however, is a crisis in governance. Under the divided government of the Obama years, Congress could rarely agree on a budget, much less craft major new legislation. As a result, the president resorted to executive orders and other unilateral tools to make policy. After Trump's inauguration put a temporary end to divided government, Congress in 2017–19, as measured by its legislative output, was more productive than it had been in recent years, but according to the Pew Research Center, about one-third of the bills it passed were ceremonial. The inexperience of the Trump administration has only added to the crisis, with the chaos in the federal government leading to incoherent policy.

What went wrong? How did American democracy become so dysfunctional, even as it became more participatory? The answer lies in the mismatch between the United States' political institutions and its political realities. Simply put, the structures of American democracy have failed to keep pace with the changes in politics and society. That has happened in three areas: political representation remains tied to states and districts, even as the political conversation has gone national; elections remain relatively de-emphasized in the Constitution, even though they

have come to matter more and more in practical terms; and institutions remain formally colorblind, even though race shapes so much about contemporary political life. And so American democracy remains fraught with tension and unable to deliver the policies people want.

### **THINK NATIONAL, VOTE LOCAL**

When they designed a political system for a new country tying together a collection of colonies, the founders mostly imagined that Americans' chief attachment would be to their state. What resulted was a system in which political representation was rooted in geographic location—specifically, states and districts. Nowadays, however, voters care far more about national politics. Yet even as American politics becomes increasingly dominated by national issues and figures, the political structures are still local in nature.

This clash manifests itself at both the national and the local levels. In Congress, it can derail popular legislation. Because every state gets two senators, states with small populations—most of which are rural and predominantly white—wield disproportionate power in the Senate, whose rules make it especially easy for the minority to thwart the will of the majority. (Two-fifths of the chamber can stop legislation in its tracks by failing to end a filibuster.) Even legislation supported by a majority of the public is often stalled or never introduced in the first place. Consider gun control. At a time when mass shootings dominate the news, many gun safety measures enjoy the backing of a majority of Americans. And yet attempt after attempt to pass them has failed. Lobbying groups (namely, the National Rifle Association) have garnered nearly all the blame, but the structure of Congress plays a role, too. Members of Congress do not represent national constituencies; they represent their states and districts. Control enough of those, and a group representing a minority of all Americans can override the views of everyone else.

A system in which congressional legislation reflects a mosaic of local interests is not inherently bad—it makes governing a large and diverse country possible—but it is less responsive to public opinion on national issues. Immigration is, by definition, handled at the national level, and yet actions on that issue that many Americans support, such as extending some protections to undocumented immigrants who entered the country as children, have proved nonviable. Americans have a national debate and national media but few opportunities to express a truly national will in the policymaking process.

On the flip side, at the local level, the mismatch between local representation and national politics means that those with minority views often find themselves outvoted. In other words, conservatives living in blue districts or liberals in red ones may have little say. Nationally, the country is competitive, in that control of at least one house of Congress is often up for grabs in an election. But of the 435 House seats, only 50 or so are competitive. It's a similar picture at the presidential level. As the political scientist Alan Abramowitz has observed, even though the overall popular vote for presidential elections often shows a tight race, the vote shares in the largest states are much more lopsided than they were at midcentury. In the 1960 presidential election, for example, the race in both California and Texas was close. In 2016, Hillary Clinton won California by 30 points, and Trump took Texas with a nine-point margin. With the races in so many states a foregone conclusion, the sliver of Americans living in swing states ends up deciding high-stakes contests. National party organizations used to moderate this problem. The platforms and presidential nominees they produced were mostly reflections of the concerns of state and local party leaders. As a result, the parties allowed for regional variation in their

members' positions. Within the Democratic Party, for example, East Coast politicians in the late nineteenth century took more business-friendly positions than their populist counterparts in the rural plains and the West, and as the civil rights movement took hold, northern liberals stood at odds with southern segregationists.

Those days are, for the most part, gone. To make matters worse, national parties are having a harder time controlling the presidential nomination process, which makes it even more difficult for them to ensure that different interests within each party are represented. In an attempt to counter accusations that it is out of touch with voters, in the lead-up to the 2020 primaries, the Democratic National Committee has drastically reduced the power of superdelegates, the party elites whose votes at the national convention are not dictated by primary results, and lowered the threshold for candidates to join the televised debates. The nationalization of party politics has led to the weakening of party politics, and that, in turn, has widened the disconnect between local concerns and national power structures.

### **THE ELECTORAL OBSESSION**

Another area highlighting the tension between old institutions and new political realities involves elections. Voting played a surprisingly modest role in the original U.S. Constitution. The document provided for the direct election of members of the House of Representatives, but senators were to be chosen by state legislatures, and states could decide for themselves how to allocate their Electoral College votes in presidential elections. The setup was only natural: when the Constitution was written, neither mass communication nor quick transportation existed, and so the concept of a truly national election was unthinkable.

Over time, however, changes to the Constitution sought to make American politics more democratic. Passed in the wake of the Civil War, the 15th Amendment allowed nonwhite men to vote. The 17th Amendment, ratified in 1913, provided for the direct election of senators, and successive amendments extended the franchise to women and people aged 18 to 21 and banned the poll tax. Direct popular election became not only the norm for all national positions but also the guiding principle behind reforms to the primary process, policy referendums, and ballot initiatives. Elections now occupy a central place in the American political system. *The real story of American democracy is not one of disrepair but one of partial repair.*

Yet the increased emphasis on elections has had a decidedly negative side effect: it has crowded out the policymaking process. Politics has become increasingly focused on position taking and performative conflict. Electoral pressure, especially from primary challengers, can distract legislators from doing the business of governing. The presidential election cycle has extended into a years-long “permanent campaign,” pulling presidential hopefuls away from their day jobs.

Polarization only exacerbates the problem. Decades ago, critics faulted the political party system for denying voters distinct policy alternatives. So similar were the Democratic and Republican Parties, they argued, that the system was insufficiently responsive to public preferences. But then came a number of changes that upended this situation. The parties themselves experienced an ideological sorting, with conservatives leaving the Democratic Party and liberals leaving the Republican Party. Changes to congressional rules empowered the majority party in the House. Yet the American political system, with its many points of conflict, was not designed for the purpose of handing one or another party total victory. It was designed for compromise—and without parties in mind at all. How much should elections matter? Nearly everyone agrees that officials should be selected and held accountable through free and fair elections. But when it

comes to resolving debates over policy, the role of elections is far less clear. My own research on how presidents and their teams interpret election results shows that they once served as a source of power—a tool of persuasion that the president could use to build a legislative coalition for preferred policies. But in more recent decades, election results have become a source of justification for policy choices themselves. Whereas President Lyndon Johnson and his inner circle saw his 1964 victory as a means of leverage over Congress, President Ronald Reagan and his aides conceptualized the 1980 victory as a triumph for conservatism that justified the broad policy direction of the administration.

The new way of thinking about elections does not square well with the system created by the Constitution, whereby presidents are elected every four years while terms for members of the House of Representatives last two years and those for senators last six. Does a rebuke to the president's party in a midterm election negate the previous victory? If voters choose a divided government, what are they really asking for? The body politic has yet to offer clear answers to these questions.

During Obama's last six years in office, Congress consumed itself with budget showdowns and passed little legislation of significance. In the view of congressional Republicans, from the Tea Party iconoclasts to the leadership, they were merely doing what their voters had sent them to Washington to do: oppose Obama. Yet Obama was elected with a majority of the popular vote in both 2008 and 2012, and so from the Democrats' perspective, it was the Republican Congress that was opposing the will of the people. In a country with a populace that is divided and a political system that equates electoral victory with governing legitimacy, the correct course of action for elected leaders remains unclear.

These questions have become even more urgent in the Trump era. The surprise result of the 2016 election appeared to indicate that the electorate had rejected the Democratic agenda (even though Clinton won the popular vote), and yet the Republicans' losses in the 2018 midterm elections sent the exact opposite message. One response to the mixed messages would be to craft a bipartisan agenda to address shared priorities, but that seems largely beyond reach. Now, as Democrats absorb the report compiled by Robert Mueller, the special counsel appointed to investigate Russian interference in the 2016 election, they are debating the question of what standard should be met before Congress should consider removing an elected president. The Constitution offers very little in terms of answers—yet another instance of an institution failing to keep pace with political realities.

## **THE MYTH OF COLORBLINDNESS**

Finally, it is impossible to talk about the functioning of American democracy without considering the role of race. Many of the United States' political institutions were designed to preserve a racial hierarchy. The Constitution counted slaves as three-fifths of a person for the purpose of apportioning seats in the House of Representatives, and because the Electoral College allocated votes using the same formula, it enhanced the influence of slave states before the Civil War. The Federal Housing Administration, created in 1934 to insure private mortgages, systematically discriminated against black neighborhoods, making it extremely difficult for their residents to obtain home loans and thus to accumulate wealth.

The legacies of such discrimination are not hard to find. Decades of racist public policies account for current disparities in wealth between blacks and whites, as the writer Ta-Nehisi Coates pointed out in his seminal 2014 article in *The Atlantic*, "The Case for Reparations." Racism lurks

behind contemporary political behavior, too. As research by the political scientists Avidit Acharya, Matthew Blackwell, and Maya Sen has found, the legacy of slavery still shapes politics in the South today: whites who live in counties that once had a high share of slaves tend to support Republicans and are more likely to oppose affirmative action. Race has also long shaped the divergent language politicians use to describe rural and urban constituencies, with the former depicted as idyllic and deserving of greater attention and the latter as chaotic and undeserving. (Think of the “welfare queen” trope, which is almost always applied to black women living in cities.) Finally, as the political scientists Michael Tesler, John Sides, and Lynn Vavreck show in their book, *Identity Crisis*, attitudes about race and immigration motivated many of Trump’s voters.

In other words, race has deeply shaped—and continues to shape—both American institutions and American political behavior. That is problematic enough on its own, but even worse, the United States is stuck with institutions that fail to appreciate this fact. Civil rights legislation, particularly the 1964 Civil Rights Act, focuses on preventing discrimination, a laudable goal but not an entirely effective tool for solving matters of structural racism, such as unequal access to housing and high-quality schools. Since the 1960s, laws have moved even further toward the colorblind model, with affirmative action in university admissions and proactive support for voting rights both suffering setbacks in the courts.

Not surprisingly, then, generations of white Americans have been raised with the idea that they are living in a race-blind society. To the extent that racism does exist, the argument goes, the problem has to do with individuals rather than the system. In reality, of course, systematic racial disparities persist, with black Americans experiencing far worse outcomes than their white counterparts in terms of health, education, income, and criminal justice.

Yet it is controversial to acknowledge this reality—something that Obama discovered when he became president. In 2009, after the Harvard professor Henry Louis Gates, Jr., who is black, was mistaken for a burglar outside his own home and arrested, Obama said that the police had “acted stupidly.” Conservatives rallied to the defense of the police, and Obama backtracked and hosted Gates and the arresting officer for a “beer summit” at the White House. Three years later, after Trayvon Martin, an unarmed black teenager, was shot by a neighborhood vigilante in Florida, Obama remarked, “If I had a son, he’d look like Trayvon.” Critics again took the president to task for commenting on what they viewed as a local law enforcement matter. However mundane Obama’s remarks were, they violated the norm of colorblindness. A [2016 survey](#) by the Pew Research Center found that most white Americans see racism as an individual, as opposed to systemic, problem. Many of them apparently do not appreciate being told otherwise.

In the Trump era, race has been front and center in American politics. Trump called for a ban on Muslim immigration during his campaign and enacted a corresponding travel ban once in office. He introduced a policy of separating immigrant families at the U.S.-Mexican border. He said that any NFL player who knelt during the national anthem to protest police brutality against African Americans was a “son of a bitch.” And yet the myth of a postracial society persists.

## **A SYSTEM IN TENSION**

Each of these institutional tensions has been exacerbated by the modern presidency. Presidents offer national messages through mass communication and now social media. They have diminished the head-of-state aspect of their role in favor of being campaigner in chief. And they have weighed in on race more overtly than ever before. The Trump years have heightened each

of these tensions, perhaps forcing more reckoning with some of them than would have happened otherwise. But Trump did not create the forces behind the country's political dysfunction. He merely came to power amid these institutional contradictions and increased the stakes of resolving them.

All these problems suggest not that American institutions are failing but that reforms and gradual political change have led to a situation in which different parts of the system undermine one another. The narrative of decay, so popular in discussions of the current moment, implies that American democracy has fallen from the peaks it reached in some kind of golden age. But such a golden age never existed, and the very idea of what democracy means has shifted substantially from the American founding—and even from the middle of the twentieth century. Politics is now national, elections are central, and diversity and inclusion are (for the most part) expected.

The tensions in American democracy today also challenge a fundamental assumption behind the design of the Constitution: that politics will develop around the incentives created by institutions. Instead, the modern mismatch between political institutions and political realities suggests that social change can happen in spite of rules and power arrangements. When Congress refused to pass anti-lynching legislation after the Reconstruction era, activists focused their efforts on moving public opinion and achieving victories in the courts. Social movements can radically change both politics and society without altering the formal provisions of the Constitution.

All of this suggests that reformers should push for solutions that reconcile political tensions rather than create more of them. Institutions that help connect local concerns to national power structures, such as stronger political parties, are one example. In the area of elections, progress on the more difficult work of converting campaign rhetoric into workable policy proposals might ease frustrations about an unresponsive political system. After one party's victory, instead of seeking to repudiate or punish their opponents, legislators and citizens should think about incremental policy gains. Changes in this vein might also remind voters and politicians alike that while elections are essential for democracy, they aren't its only lifeblood. At the same time, those seeking to address racial disparities, at least in the political arena, can take advantage of the country's obsession with electoral democracy. They may find it useful to frame fights for broader access to the ballot box in terms of a commitment to the role of elections, even as these struggles are also about racial equality.

Other reforms have the potential to alleviate some tensions at the expense of others. For example, eliminating the Electoral College—an increasingly popular idea among Democrats—would ensure that the winner of the popular vote won the presidency and thus reduce the mismatch between localized rules and national politics. But this change would also run the risk of feeding into the mania surrounding elections. Presidential campaigns would likely become even longer, costlier, and all-consuming. Other reformers have suggested ending the single-member, winner-take-all system of sending representatives to Congress and switching to multimember districts, with the seats allotted according to the percentage of the vote each party receives. Political minorities would have their views represented, and multiple parties could form. But although proponents claim that this reform would temper polarization, it could also further fragment an already divided country.

As they think about how to work through the current tensions, Americans may simply have to face a difficult truth: that even major institutional reform may not be enough to fix American politics. The problem, in other words, might be not ill-fitting structures but the fundamental

difficulty of coming to any sort of consensus in a country as divided and massive as the United States. Building governing coalitions requires a sense of civic interconnectedness and shared fate, something that is sorely lacking at the moment. No amount of tinkering with electoral rules, for example, will fully address racism; that will take serious reckoning with the economic and social dimensions of the problem. The good news is that the 2018 midterms brought encouragement in all the right areas: engaged voters choosing a diverse group to represent them. And so the United States finds itself at a turning point. It can embrace the possibility of change, update its institutions, and address past wrongs. Or the country, like its politicians, can keep failing to deliver on its promise